

**LIEBLER, IVEY & CONNOR, P.S.****www.lieblerivey.com****Attorneys at Law****The Edison Professional Building****1141 North Edison, Suite C****P.O. Box 6125****Kennewick, Washington 99336-0125****Telephone 509-735-3581****Facsimile 509-735-3585****Intellectual Property****Floyd E. Ivey**

**Registered Patent Attorneys  
 Patents, Trademarks, Copyrights,  
 Licensing, Litigation and Other  
 Intellectual Property Matters**

**Craig M. Liebler  
 William J. Connor**

**Alicia M. Berry, Associate  
 Ronald F. St. Hilaire, Associate  
 Jared D. Paulsen, Legal Intern**

feivey@3-clitics.com

**FAX COVER SHEET**

**FAX NUMBER TRANSMITTED TO: (703) 308 6916 (Office of Petitions); 703 872 7989**  
**(Examiner Prince)**

**To: Latrice Bond**  
**Office of Petitions(telephone 703 308 6911**  
**Of: USPTO**  
**From: Floyd E. Ivey**

**FAX RECEIVED****SEP 22 2003****PETITIONS OFFICE**

**Client/Matter: REQUEST FOR RECONSIDERATION OF DISMISSAL OF PETITION FOR  
 REVIVAL OF Application for CULLINAN, Serial No. 09/041,685; Group Art  
 Unit: 1724; Filed: March 13, 1998; Examiner: Fred Prince; title PREVIOUS  
 TITLE: A VERTICAL VORTEX OR LAMINAR FLOW INTERACTIVE BIO  
 MEDIA WATER TREATMENT DEVICE : RETITLED IN SUBSTITUTE  
 SPECIFICATION "LAMINAR FLOW INTERACTIVE OR VERTICAL  
 VORTEX BIOMEDIA WATER TREATMENT DEVICE**

**Date: September 21, 2003**

<b>DOCUMENTS</b>	<b>NUMBER OF PAGES</b>
<b>CONTINUING APPLICATION, REQUEST RECONSIDERATION</b>	<b>29</b>
<b>Two page of PTO2038 authorizing Visa Payment of \$420 each for Mr. Cullinan and Mr. Weiss as the fee for the Continuing Application and for Extension in the third month</b>	<b>2</b>
<b>Drawings - 6 sheets with 11 Figures</b>	<b>6</b>

**COMMENTS:**

*The information in this fax message is privileged and confidential. It is intended only for the use of the recipient named above (or the employee or agent responsible to deliver it to the intended recipient). If you received this in error, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify us by telephone immediately, and return the original message to us at the above address via U. S. Postal Service. We will, of course, be happy to reimburse you for any costs. Thank you.*

**PLEASE LET US KNOW IF YOU DID NOT RECEIVE ALL PAGES.**

1 **OFFICAL FILING FILING BY FACSIMILE**  
2 **TRANSMISSION TO OFFICE OF PETITIONS 703-**  
3 **308 6916 ON SEPTEMBER 21, 2003 AND COPY TO**  
4 **EXAMINER FRED PRINCE, BY FAX TO 703 872**  
5 **9709, ART UNIT 1724, TELEPHONE 703-306 9169.**  
6 Twenty-nine PAGES PLUS 6 Pages of Drawings plus 2 pages PTO 2038 plus fax cover  
7 38 total PAGES.

Our Ref. No. P-1534-011

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
CULLINAN

Date: September 21, 2003

Serial No. 09/041,685

Group Art Unit: 1724

Filed: March 13, 1998

Examiner: Fred Prince

For: A VERTICAL VORTEX OR  
LAMINAR FLOW INTERACTIVE BIO  
MEDIA WATER TREATMENT DEVICE

FAX RECEIVED

SEP 22 2003

PETITIONS OFFICE

By facsimile transmission only 703 308 6916; 703 872 9709Commissioner of Patents  
Office of Petitions  
Washington, D.C. 20231

Dear Commissioner:

CONTINUING APPLICATION AND REQUEST FOR RECONSIDERATION OFDISMISSAL OF PETITION FOR REVIVAL

Your applicant filed a Petition for Revival of an Application for Patent  
Abandoned Unintentionally under 35 CFR 1.137(b) on March 20, 2003; your applicant,  
pursuant to conferences with Examiner Prince, filed a Supplemental Amendment on  
April 2, 2003; on April 16, 2003 Examiner Fred Prince issues an Advisory Action setting  
a period for reply to expire 3 months from the mailing date of the final rejection; on April

Certificate of facsimile Official Filing  
on September 21, 2003 to Office of Petitions  
with copy to Examiner Fred Prince  
by Floyd E. Ivey

Application No. 09/041,685

21, 2003 the Petition was Dismissed by the Office of Petitions in that the Petition did not place the application in condition for allowance. The Dismissal advised that a request for reconsideration of this decision must be submitted within two months from April 21, 2003 with Extensions of time permitted. The Office of Petitions also advised that the reply required must be either a Notice of Appeal or the filing of a continuing application. Your applicant now files a Continuing Application pursuant to 37 CFR 1.53(b) and Requests Reconsideration of the Dismissal by the Office of Petitions of April 21, 2003.

The Examiner, in the Advisory Action of April 16, 2003, stated that that the proposed amendments, from March 20 and April 2, 2003, would not be entered in that they raise new issues that would require further consideration and/or search and that they raise the issue of new matter. The Examiner stated the following:

There is no description in the original specification of media retained by a "depression" or securing the vane via adhesive or a "friction fit". The original specification states that the media is an "eight-vaned structure". There is no description of medial having less than eight vanes being part of the invention. The claims in the amendment call for an inner core placed into a tube and is no longer directed toward vortices. The "core in tube" subject matter was not explicitly described or claimed and requires further searching/consideration.

**REQUEST FOR RECONSIDERATION OF DISMISSAL OF PETITION FOR**  
**REVIVAL OF AN APPLICATION FOR PATENT ABANDONED**  
**UNINTENTIONALLY UNDER 35 CFR 1.137(b)**

The inventors and applicants now Request Reconsideration of the Dismissal of the Petition for Revival of the Above Identified Application and states the following to the Office of Petitions:

1) The Petitioner submitted a small entity Petition fee for Petition for Revival of \$650.00 pursuant to 37 CFR 1.17(l) with the filing on March 20, 2003.

2) The Petitioner now submits a response to the Examiner's Action of August 16,

Certificate of facsimile Official Filing  
on September 22, 2003 to Office of Petitions  
with copy to Examiner Fred Prince  
by Floyd E. Ivey

Application No. 09/041,685

1 2000.

2 3) The Petitioner has asserted that there is no terminal disclaimer required as this  
3 application was filed on or after June 8, 1995.

4 4) The Petitioner has submitted, in the March 20, 2003 Petition, Petitioner's  
5 statement that the entire delay was unintentional. The entire delay in filing the required  
6 reply from the due date for the required reply until the filing of a grantable petition under  
7 37CFR 1.137(b) was unintentional.

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26 Certificate of facsimile Official Filing  
27 on September 21, 2003 to Office of Petitions  
28 with copy to Examiner Fred Prince  
by Floyd E. Ivey.

Application No. 09/041,685